

Message Text

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C O N F I D E N T I A L MANAGUA 5885

E.O. 11652: GDS
TAGS: NU, PINT
SUBJECT: APPELLATE COURT RULES AGAINST PEDRO J. CHAMORRO

REF: MANAGUA 2763

1. THE MASAYA COURT OF APPEALS RULED ON DEC. 20 AGAINST OPPOSITION LEADER PEDRO J. CHAMORRO, PUBLISHER OF LA PRENSA, SUSTAINING RULINGS OF THE MASAYA CRIMINAL COURT, WHERE CHAMORRO HAD BEEN TRIED AND CONVICTED IN JUNE OF SLANDER AGAINST CAMBER OF DEPUTIES PRESIDENT CORNELIO HUECK. THE MASAY CRIMINAL COURT HAD FINED CHAMORRO U.S. \$10,700 (WHICH CHAMORRO HAD POSTED AND RENDERED HIM LIABLE TO CIVIL PROSECUTION SHOULD HUECK CHOOSE TO SUE HIM. CHAMORRO APPEALED THE DECISION AND HAS VOWED TO TAKE IT TO THE SUPREME COURT IF NECESSARY. THE DECISION OF THE MASAYA COURT OF APPEALS, HOWEVER, WAS NOT ON THE VERDICT OF THE CRIMINAL COURT, BUT RATHER SIMPLY REAFFIRMED THE COMPETENCE OF THE LOWER COURT TO TRY CHAMORRO AND FORBID HIM TO LEAVE THE COUNTRY FOR THE DURATION OF THE PROCESS.

2. COMMENT: THIS IS THE CASE WHICH PREVENTED CHAMORRO FROM APPEARING AT THE FRASER SUBCOMMITTEE HEARINGS THIS PAST JUNE. IT IS EXPECTED THAT THE SUPREME COURT WILL SUSTAIN THE VERDICT OF THE LOWER COURTS AND HE WILL THEN BE FREE TO TRAVEL. THE POSSIBILITY OF CIVIL LITIGATION, HOWEVER, AND OF A POSSIBLY RUINOUS ADVERSE JUDGMENT PROBABLY WILL BE LEFT HANGING OVER CHAMORRO AND LA PRENSA TO KEEP HIM IN CHECK WHEN, AS SEEMS LIKELY, THE GON LIFTS CENSORSHIP IN THE NEAR
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